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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Barraclough Examiner: Ramakrishnaiah, M.  
Serial No.: 09/885,298 Group Art Unit: 2643  
Filed: June 20, 2001 Docket No.: 8X8S.244PA  
Title: Surveillance Method and System

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Monday, August 7, 2006.  
By: Kelly S. Waltigney  
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APPEAL BRIEF

Mail Stop Appeal Brief-Patents  
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Customer No.  
**40581**

Dear Sir:

This Appeal Brief is submitted pursuant to 37 C.F.R. §41.37, in support of the Notice of Appeal filed May 5, 2006 and in response to the final rejection of Claims 1-7 and 9-37 as set forth in the final Office Action dated December 30, 2005.

Please charge Deposit Account number 50-0996 (8X8S.244PA) in the amount of \$500.00 for filing this brief in support of an appeal as set forth in 37 C.F.R. §1.17(c). If necessary, authority is given to charge/credit Deposit Account 50-0996 (8X8S.244PA) additional fees/overages in support of this filing.

A Petition for One-Month Extension of Time accompanies this brief.

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**I. Real Party In Interest**

The real party in interest is 8x8, Inc., formerly Netergy Microelectronics, Inc., having a principal place of business at 2445 Mission College Boulevard, Santa Clara, CA 95054. The above-referenced patent application is assigned to 8x8, Inc.

**II. Related Appeals and Interferences**

Appellant is unaware of any related appeals or interferences.

**III. Status of Claims**

Claims 1-7 and 9-37 stand rejected and are presented for appeal; the pending claims under appeal are listed in the attached Claims Appendix, with appropriate claim status indentifiers.

**IV. Status of Amendments**

No amendments have been filed subsequent to the Final Office Action dated December 30, 2005.

**V. Summary of Claimed Subject Matter**

The present invention relates to image communication systems, and more particularly, to image communication involving applications such as monitoring and security applications. The present invention is exemplified in a number of implementations and applications, some of which relate to the following.

An example embodiment of the present invention is directed to a surveillance system including a first communications system (*e.g.*, 110 of FIG. 1 and page 6, lines 1-6) communicatively coupled and adapted to deliver a request for image data, and a second communications system (*e.g.*, 120 of FIG. 1 and page 6, lines 1-6) communicatively coupled and adapted to transmit image data. A programmable surveillance system (*e.g.*, 130 of FIG. 1 and page 6, lines 1-6) includes a first computer arrangement for processing data including image data, and includes a camera configured and arranged to capture images, wherein the captured images are processed as data by the first computer arrangement. The programmable system is configured and arranged to receive the request for image data from

the first communications system, and, in response to the request, to automatically access and deliver image data to the second communications system (*see id*; *see also* page 6, lines 7-16). A second computer arrangement (*e.g.*, 150 of FIG. 1 and page 6, lines 1-6) is adapted for communicatively coupling with the second communications system, and for processing data including image data, and configured and arranged to retrieve image data delivered by the first computer arrangement.

Another example embodiment of the present invention is directed to a surveillance system that generates a request (*e.g.*, at 140 of FIG. 1, with example description with FIG. 3 at page 8, lines 15-22), and delivers the request via a first communications system (*e.g.*, 110 of FIG. 1 and page 6, lines 1-6). Image data is automatically accessed via a first communication terminal having a first processor for processing data including image data, responsive to the request (*e.g.*, 130 of FIG. 1 and page 6, lines 1-6). The first communication terminal transfers the image data over a second communications system (*e.g.*, 120 of FIG. 1 and page 6, lines 1-6). The image data is received at an arrangement (*e.g.*, 150 of FIG. 1 and page 6, lines 1-6) that processes data including image data, coupled communicatively with the first communication arrangement (*e.g.*, 130 of FIG. 1 and page 6, lines 1-6).

According to another example embodiment of the present invention, a method for surveillance includes generating a request and delivering the request via a first communications system (*e.g.*, 310 of FIG. 3 and page 8, lines 15-22). In response to receiving the request, image data is automatically accessed via a first communication terminal having a first computer arrangement for processing data including image data (*e.g.*, 320, 330 of FIG. 3 and page 8, lines 15-22). The image data is transferred over a second communications system (*e.g.*, 340 of FIG. 3 and page 8, lines 15-22). The image data is received via a second computer arrangement for processing data including image data, and coupled communicatively with the first computer arrangement over the second communications system (*e.g.*, 350 of FIG. 3 and page 8, lines 15-22).

According to another example embodiment of the present invention, a surveillance system includes a first communications system including a telephone and communicatively coupled and adapted to deliver a request for image data (*e.g.*, 110, 140 of FIG. 1 and page 6, lines 1-6, 282 of FIG. 2). A second communications system is communicatively coupled and adapted to transmit image data (*e.g.*, 120 of FIG. 1 and page 6, lines 1-6). A programmable

surveillance system (*e.g.*, 130 of FIG. 1 and page 6, lines 1-6) includes a first computer arrangement for processing data including image data, and includes a camera configured and arranged to capture images. The captured images are processed as data by the first computer arrangement, and the programmable system is configured and arranged to receive a telephone call via the first communications system and, in response to the telephone call, to offer an audio menu of choices for delivery of the image data including the delivery of images via the second communications system. The telephone is adapted to deliver a response to the audio menu, and the programmable surveillance system is further adapted to respond to the response to the audio menu by accessing and delivering image data to the second communications system corresponding to the response to the audio menu delivered from the telephone. A second computer arrangement is for communicatively coupling with the second communications system, and for processing data including image data, and configured and arranged to retrieve image data delivered by the first computer arrangement (*e.g.*, 150 of FIG. 1 and page 6, lines 1-6, 281 of FIG. 2).

## **VI. Grounds of Rejection to be Reviewed Upon Appeal**

1. Claims 1-5, 12-17, 23-29 and 31-35 are rejected under 35 U.S.C. § 103(a) over Nabavi (GB 2325548A) in view of Schneider *et al.* (U.S. Patent No. 5,929,897).
2. Claim 6 is rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Fujiwara *et al.* (JP 09330283A).
3. Claims 7, 11 and 36-37 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Newlin (U.S. Patent No. 6,011,579).
4. Claims 9-10 and 30 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Richard, III *et al.* (U.S. Patent No. 5,790,174).
5. Claims 18-22 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Mun *et al.* (U.S. Patent No. 6,094,213).

## **VII. Argument**

**1. The Section 103 rejections should be reversed; the proposed modification of the primary Nabavi reference with the Schneider reference is unmotivated as evidenced by the fact that the cited Nabavi reference teaches away from the claimed limitations and from the secondary Schneider reference.**

The Section 103 rejections of claims 1-5, 12-17, 23-29 and 31-35 must be reversed because the cited Nabavi reference does not teach or suggest the claimed limitations as indicated, and further cannot be modified with the Schneider reference to function in accordance with either the claimed invention or in a manner consistent with the purpose of the Nabavi reference. The Examiner's continued (and confusing) rejection of the claims ignores the requirements for maintaining claim rejections under Section 103. As is consistent with the Examiner's inability to cite evidence of motivation to modify the Nabavi reference, the reference teaches away from the proposed combination. In particular, the Examiner's proposed modification of the Nabavi reference relies upon broad generalizations about the nature of the alleged "field" of the Nabavi and Schneider references and fails to cite motivation specific to the proposed modification, to how the Nabavi reference could function as modified, or any evidence in support thereof. The following more particularly addresses the improprieties with the Section 103 rejections relating to both the lack of teaching or suggestion of the claimed limitations, and the lack of motivation for the proposed modification.

**A. The cited Nabavi reference does not correspond to the claimed limitations.**

The purpose of Nabavi's invention is to facilitate one-way remote-user control of a security alarm system from a remote (*i.e.*, Internet) location, to address the problem of the lack of such remote user access. To suit this purpose, Nabavi uses a system controller that connects a remote user to a local device. The following quote is from the first page of the Nabavi reference, beginning at line 13, and introduces Nabavi's purpose.

Once a person has left the property, it is common for that person to worry that he or she has forgotten to set the alarm system, or to close alarmed doors which might cause the bell or siren to sound or prevent the system from setting.

Hitherto, it has been necessary to telephone a neighbour or other keyholder, or perhaps the central monitoring station, to ask them to check the property. This is clearly an unsatisfactory situation which no-one has addressed, despite the problem having existed for some years.

Accordingly, the present invention is a security alarm system controller for controlling an alarm system, the controller comprising ... computer network server means operable to interact between the security alarm controller and a computer network user ....

The security alarm system controller interacts with a dedicated “central monitoring station 8” (*e.g.*, a computer network server means) in order to facilitate the remote access. *See, e.g.*, page 4, lines 7-9. Figure 1 of the Nabavi reference shows in words and images, that its “alarm controller/web server links via the Security Centre to the internet and hence to the remote user,” with the remote user initiating and executing the security monitoring at a property location.

In view of the above, the cited Nabavi reference is directed to a security alarm system controller and a central monitoring station via which a user remotely accesses the alarm system controller. Nabavi’s security alarm system controller communicates via a single connection (*e.g.*, connection 7 in FIG. 1) directly with a central monitoring station, which in turn communicates with a remote user. In this regard, the cited Nabavi reference fails to teach or suggest claimed limitations directed to a programmable surveillance system that directly interacts over a network connection to receive video requests and send image data in response thereto (*see e.g.*, independent claims 1, 25, 26 and 37). The other cited references do not overcome this deficiency. The cited references therefore do not teach or suggest all of the claimed limitations. Accordingly, the Section 103 rejection must be reversed.

**B. The proposed modification of the Nabavi reference is unmotivated.**

As discussed above, the teachings and purpose of the Nabavi reference are directed away from the claimed limitations concerning a programmable surveillance system that interacts directly with a remote user. Specifically, Nabavi’s purpose is directed to the use of central monitoring station or server that interacts between a user and an alarm system for configuring the alarm system (*see, e.g.*, FIG 1 and the above discussion). In this regard, any modification of the Nabavi reference to arrive at the claimed limitations is unmotivated, as

the Nabavi reference teaches away from such a modification, and as the modification would also remove Nabavi's purpose including the central monitoring station (*e.g.*, network server) and its configuration of the alarm system. The M.P.E.P. and relevant case law indicate that "a prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness" and further that "[i]t is improper to combine references where the references teach away from their combination." *See, e.g.*, M.P.E.P. §§2141.02 and 2145, and *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Relevant law and the M.P.E.P. further indicate that, where a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (*see, e.g.*, M.P.E.P. 2143.01; *see also In re Gordon*, 733 F.2d 900, 221 (Fed. Cir. 1984)). In this regard, the Nabavi reference cannot be modified as proposed to arrive at the claimed limitations.

Before discussing further improprieties with the Section 103 rejection and the corresponding lack of motivation for modifying Nabavi, Appellant submits that the Examiner's assertion in the Advisory Action that an individual attack on a reference is improper, citing *In re Keller* and other law, is misguided and inapplicable to the discussion in the preceding paragraph. Contrary to the Examiner's assertions, Appellant's discussion regarding the Nabavi reference is relevant and proper because this discussion directly addresses the technical subject matter in the Nabavi reference that clearly teaches away from the Examiner's proposed modification thereof (to arrive at the claimed limitations or otherwise). As such, the Examiner's attempt to disregard this argument (and corresponding failure to address the specific technical features of Nabavi by relying merely on the broad applicability of the reference to communications means), is improper.

The Examiner's proposed modification of the Nabavi reference is also unmotivated because the combination of Schneider's two-way communication system, involving users at both ends of the system, would frustrate Nabavi's purpose directed to remote security monitoring of a system (*i.e.*, once a person has left a property, as discussed in the above quotation from Nabavi). The Schneider reference is directed to a completely different approach to initiating communications in an unrelated banking-based videoconferencing application. Referring to column 4, lines 27-41 of the Schneider reference, a customer

(remote user) initiates a request from a remote ATM machine for a video conference, with the request made via a plain old telephone system (POTS) telephone call to an automated call distribution system (ACD). The ACD in turn locates a free agent (individual at a computer – see AGENT 1 in FIG. 1), and directs the POTS call to the agent to inform the agent of a telephone number of the remote ATM. In turn, the agent calls the remote ATM to establish and control a communications link over which video can pass. In short, the remote user requests a two-way videoconference that is established and controlled only when a person (agent) is available at a receiving end of the videoconference request. This is contrary to the purpose of the Nabavi reference, which is directed to an approach wherein a remote user establishes one-way control of security functions at a property location so that the remote user can control the property location and/or view live images of the property without being there. In the Schneider reference, not only does the remote user have no control of the agent, the agent requires a person to be available before establishing the communications. In view of the above, the Schneider reference is not combinable with the Nabavi reference, and modifying Nabavi with the Schneider reference would replace Nabavi's remote-user control and thus undermine Nabavi's purpose. In this regard, the Examiner's rationale in maintaining the Section 103 rejections is improper.

The Section 103 rejections are further unmotivated because the Examiner failed to provide any evidence in support of modifying the Nabavi reference. The Examiner's misconstruction of the Section 103 requirements relating to the lack of supporting evidence is exemplified in the Response to Arguments of the Advisory Action, which suggests that the Schneider reference can be combined with the Nabavi reference simply because "both references teach communications means for users to interact with system to obtain services for users." This statement is contrary to relevant case law and the M.P.E.P., which require that the proposed modification be both motivated and likely to succeed, and which cannot be satisfied simply because two references happen to relate to a common field or use. A combination of references cannot be made simply because both references are in an analogous field; rather, there must be some evidence of motivation for combining the references. *Northern Telecom v. Datapoint Corp.*, 908 F.2d 931, 934, (Fed. Cir. 1990) (It is insufficient that the prior art disclosed the components of the patented device, either separately or used in other combination; there must be some teaching, suggestion, or



incentive to make the combination made by the inventor.”) Here, the Examiner has failed to describe how the Nabavi reference would be modified with Schneider’s two-way system as discussed above, and in connection therewith, has failed to cite any evidence of motivation for modifying the Nabavi reference.

In view of the above, all of the claim rejections are improper because each relies upon the primary Nabavi reference and the (improperly) alleged teachings therein, alone or in connection with other references, and because the Examiner has failed to cite evidence in support of the proposed modification of the Nabavi reference. The above arguments thus apply to other grounds of rejection discussed below. In this regard, the rejections of claims as discussed above, as well as the rejections of the remaining claims discussed below, should all be reversed.

**2. The section 103 rejections of claim 6 should be reversed for the reasons stated above with the first Ground of rejection.**

As claim 6 depends from claim 1, Appellant submits that the discussion above with the first ground of rejection applies to claim 6 here, with the discussion omitted for brevity. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). In view of the above, the rejection of claim 6 is improper because cited portions of the Nabavi reference fail to teach or suggest all of the claimed limitations, and the proposed modification of the Nabavi reference is unmotivated. Therefore, Appellant submits that the rejection of claim 6 must also be reversed.

**3. The Section 103 rejection of claims 7, 11 and 36-37 should be reversed for the reasons stated above with the first Ground of rejection, and because the modification of the Nabavi reference with the Newlin reference is further unmotivated.**

As claims 7 and 11 depend from claim 1, and as the Examiner relies upon the proposed combination of the Schneider reference with the Nabavi reference in rejecting claims 36 and 37, Appellant submits that the discussion above with the first ground of

rejection applies to claims 7, 11 and 36-37 here, with the discussion omitted for brevity. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, the rejection of claims 7, 11 and 36 are further unmotivated because the Examiner has not shown how the Nabavi reference could function as asserted, and has failed to cite any evidence of motivation (or supporting any such modification). In the Nabavi reference, the telephone line/PSTN 7 connects the central monitoring station 8 with the alarm controller 1. It is unclear as to how a telephone with an audio menu of choices would function with the Nabavi reference to arrive at the claimed invention, where a user would apparently be at the remote web terminal 9 and unable to use the audio menu. Therefore, the Section 103 rejections of claims 7, 11 and 36-37 are further unmotivated and should be reversed.

**4. The rejections of claims 9-10 and 30 should be reversed for the reasons stated above with the first Ground of rejection, and because the modification of the Nabavi reference with the Richard, III reference is further unmotivated.**

As claims 9 and 10 depend from claim 1, and as the Examiner relies upon the proposed combination of the Schneider reference with the Nabavi reference in rejecting claim 30, Appellant submits that the discussion above with the first ground of rejection applies to claims 9, 10 and 30 here, with the discussion omitted for brevity. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, the rejection of claims 9, 10 and 30 is further unmotivated because the Examiner has not shown how the Nabavi reference could function to respond to a caller ID number, and has failed to cite any evidence of motivation (or supporting any such modification). As discussed above with the first Ground of rejection, the Nabavi reference is directed to a computer monitoring system or network server that interacts between a user and a security system. In this regard, any user of the Nabavi reference does not directly interact with the security system, and it is unclear as to how any caller ID information would be available thereto. Therefore, the Section 103 rejections of claims 9, 10 and 30 are further unmotivated and should be reversed.

**5. The rejections of claim 18-22 should be reversed for the reasons stated above with the first Ground of rejection, and because the modification of the Nabavi reference with the Mun reference is further unmotivated.**

As claims 18-22 depend from claim 1, Appellant submits that the discussion above with the first ground of rejection applies to claims 18-22 here, with the discussion omitted for brevity. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, as discussed above, the Nabavi reference is directed to an approach to one-way remote access to a security system; modification of the Nabavi reference with the Mun reference would, as with the Schneider reference, introduce a two-way communications approach involving a person or user at each end to facilitate the video conference. It is unclear as to how the videoconferencing approach in the Mun reference would be combined with the Nabavi reference or could function with Nabavi’s one-way communication approach. The Office Action fails to cite any evidence in support of such a modification, and based upon the unclear combination of references, the proposed combination is not likely to succeed. In view of the above, the rejection of claims 18-22 is improper because cited portions of the Nabavi reference fail to teach or suggest all of the claimed limitations, because the proposed modification of the Nabavi reference is unmotivated, and because the proposed combination of references is not likely to succeed. Therefore, Appellant submits that the rejection of claims 18-22 must also be reversed.


**VIII. Conclusion**

In view of the above, Appellant submits that the rejections of claims 1-7 and 9-37 are improper. Appellant therefore requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

Respectfully submitted,

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**CLAIMS APPENDIX**  
(S/N 09/885,298)

1. (Original) A surveillance system comprising:
  - a first communications system communicatively coupled and adapted to deliver a request for image data;
  - a second communications system communicatively coupled and adapted to transmit image data;
  - a programmable surveillance system including a first computer arrangement for processing data including image data, and including a camera configured and arranged to capture images, wherein the captured images are processed as data by the first computer arrangement, and wherein the programmable system is configured and arranged to receive the request for image data from the first communications system, and, in response to the request, to automatically access and deliver image data to the second communications system; and
  - a second computer arrangement for communicatively coupling with the second communications system, and for processing data including image data, and configured and arranged to retrieve image data delivered by the first computer arrangement.
2. (Original) A surveillance system, according to claim 1, wherein at least one of the first and the second communications systems includes the Internet, and wherein the programmable surveillance system accesses the Internet by logging on to the Internet via an internet service provider (ISP).
3. (Original) A surveillance system, according to claim 1, wherein at least one of the first and the second communications systems include a plain-old-telephone-system (POTS).
4. (Original) A surveillance system, according to claim 1, wherein at least one of the first and the second communications systems include a wireless system.
5. (Original) A surveillance system, according to claim 1, wherein at least one of the first and the second communications systems include a paging system.

6. (Original) A surveillance system, according to claim 1, wherein at least one of the first and the second communications systems include an email system.
7. (Original) A surveillance system, according to claim 1, wherein the first communications system includes a telephone, wherein the programmable surveillance system is adapted to receive a telephone call from the telephone and, in response to the telephone call, offer an audio menu of choices for delivery of the video data, wherein the telephone is adapted to deliver a response to the audio menu, and wherein the programmable surveillance system is further adapted to respond to the response to the audio menu.
8. (Previously Presented) A surveillance system comprising:
- a first communications system communicatively coupled and adapted to deliver a request for image data and including a telephone that is adapted to deliver a response to an audio menu;
  - a second communications system communicatively coupled and adapted to transmit image data;
  - a programmable surveillance system adapted to receive a telephone call from the telephone and including a first computer arrangement for processing data including image data, and including a camera configured and arranged to capture images, wherein the captured images are processed as data by the first computer arrangement, and wherein the programmable system is configured and arranged to receive the request for image data from the first communications system, and, in response to the request, to automatically access and deliver image data to the second communications system and in response to the telephone call, offer an audio menu of choices for delivery of the video data, and wherein the programmable surveillance system is further adapted to respond to the response to the audio menu; and
  - a second computer arrangement for communicatively coupling with the second communications system, and for processing data including image data, and configured and arranged to retrieve image data delivered by the first computer arrangement;
- wherein the audio menu choices comprise at least one of:

requesting the initiation of a streaming video feed via the second communications system;

requesting the initiation of the delivery of images via the second communications system;

requesting that the programmable surveillance system hang up and dial into the second communications system;

requesting that the programmable surveillance system hang up and redial the number called from the first communications system;

requesting the initiation of the delivery of images to at least one of a plurality of locations; and

requesting the initiation of the delivery of images via at least one of a plurality of communications systems.

9. (Original) A surveillance system, according to claim 1, wherein the request for image data includes the provision of a caller ID number, wherein the programmable surveillance system is programmed with at least one stored caller ID number, and wherein the programmable surveillance system is adapted to detect the caller ID number of the request and compare the caller ID number with the at least one stored caller ID number and, in response to detecting a match, automatically access and deliver image data.

10. (Original) A surveillance system, according to claim 9, wherein each of the at least one stored caller ID numbers includes a programmed communications delivery method, and wherein the programmable surveillance system is adapted to automatically access and deliver image data via the programmed communications delivery method corresponding to the matched caller ID number.

11. (Original) A surveillance system, according to claim 1, wherein the first communications system includes a telephone, wherein the programmable surveillance system is programmed with an access code and adapted to receive a telephone call from the telephone and, in response to the telephone call, request the access code and, in response to

the access code being entered via the telephone, automatically access and deliver image data to the second communications system.

12. (Original) A surveillance system, according to claim 1, wherein the first and second communications system are included in a single communications system.

13. (Original) A surveillance system, according to claim 1, wherein the communications system includes at least two communication forms.

14. (Original) A surveillance system, according to claim 1, wherein the programmable surveillance system is further configured and arranged to gather and deliver image data to the second communications system responsive to the request.

15. (Original) A surveillance system, according to claim 1, wherein the camera includes a video camera, and wherein the image data includes video data.

16. (Original) A surveillance system, according to claim 1, wherein the programmable surveillance system further includes a microphone configured and arranged to capture audio, wherein the captured audio is processed as data by the first computer arrangement for transfer over the second communications system, and wherein the second computer arrangement processes audio data.

17. (Original) A surveillance system, according to claim 16, wherein the programmable surveillance system is further configured and arranged to gather audio in response to the request.

18. (Original) A surveillance system, according to claim 1, wherein the programmable surveillance system includes a videoconferencing device.



19. (Original) A surveillance system, according to claim 18, wherein the videoconferencing device has a multi-processor architecture that processes video data using a specialized DSP arrangement.
20. (Original) A surveillance system, according to claim 19, wherein the videoconferencing device includes a built-in display.
21. (Original) A surveillance system, according to claim 19, wherein the programmable surveillance system includes a built-in, integrated Internet circuit-access arrangement.
22. (Original) A surveillance system, according to claim 19, wherein the second computer arrangement includes a videoconferencing device.
23. (Original) A surveillance system, according to claim 1, wherein the programmable surveillance system is further configured to encode the image data prior to delivering the image data to the second communications system, and wherein the second computer arrangement is further adapted to decode the encoded image data.
24. (Original) A surveillance system, according to claim 23, wherein the encoded data includes a password, and wherein the second computer arrangement is adapted to decode the data using the password.
25. (Original) A surveillance system comprising:  
means for generating a request and delivering the request via a first communications system;  
means for automatically accessing image data via a first communication terminal  
having a first means for processing data including image data, responsive to the request;  
means for transferring the image data over a second communications system; and  
means for receiving the image data via a second means for processing data including image data, coupled communicatively with the means for transferring the image data over the second communications system.

26. (Original) A method for surveillance, comprising:  
generating a request and delivering the request via a first communications system;  
in response to receiving the request, automatically accessing image data via a first communication terminal having a first computer arrangement for processing data including image data;  
transferring the image data over a second communications system; and  
receiving the image data via a second computer arrangement for processing data including image data, and coupled communicatively with the first computer arrangement over the second communications system.
27. (Original) The method of claim 26, further comprising gathering image data.
28. (Original) The method of claim 27, wherein the image data includes video data.
29. (Original) The method of claim 28, further comprising delivering the video as streaming video over the Internet.
30. (Original) The method of claim 26, wherein the request includes a caller ID number.
31. (Original) The method of claim 26, further comprising protecting the image data.
32. (Original) The method of claim 31, wherein the image data is protected with a password.
33. (Original) The method of claim 31, wherein the image data is encrypted.
34. (Original) The method of claim 32, further comprising including the dynamic address of the first communications terminal as a part of the password.
35. (Original) The method of claim 26, further comprising:

accessing audio data via the first communications terminal in response to receiving the request;

transferring audio data over the second communications system; and

receiving the audio data via the second computer arrangement, wherein the second computer arrangement is adapted to process the audio data.

36. (Original) The method of claim 26, further comprising:

generating an audio menu of choices at the first communications terminal in response to receiving the request; and

selecting a choice from the audio menu via the first communications system, wherein transferring the image data includes transferring the image data in response to the choice made via the audio menu.

37. (Previously presented) A surveillance system comprising:

a first communications system including a telephone and communicatively coupled and adapted to deliver a request for image data;

a second communications system communicatively coupled and adapted to transmit image data;

a programmable surveillance system including a first computer arrangement for processing data including image data, and including a camera configured and arranged to capture images, wherein the captured images are processed as data by the first computer arrangement, and wherein the programmable system is configured and arranged to receive a telephone call via the first communications system and, in response to the telephone call, to offer an audio menu of choices for delivery of the image data including the delivery of images via the second communications system, wherein the telephone is adapted to deliver a response to the audio menu, and wherein the programmable surveillance system is further adapted to respond to the response to the audio menu by accessing and delivering image data to the second communications system corresponding to the response to the audio menu delivered from the telephone; and

a second computer arrangement for communicatively coupling with the second communications system, and for processing data including image data, and configured and arranged to retrieve image data delivered by the first computer arrangement.

## **APPENDIX OF EVIDENCE**

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

## **APPENDIX OF RELATED PROCEEDINGS**

As stated in Section II above, Appellant is unaware of any related appeals, interferences or judicial proceedings.